



CITY OF POMONA COUNCIL REPORT

June 17, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, City Manager

Submitted By: Ata Khan, Deputy Director of Development Services

**SUBJECT: INTRODUCTION AND FIRST READING OF A COMPREHENSIVE
UPDATE TO THE POMONA ZONING AND SUBDIVISION
ORDINANCES.**

RECOMMENDATION:

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance (Attachment 1):

**ORDINANCE NO. 4345 – AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF POMONA, CALIFORNIA APPROVING A
COMPREHENSIVE UPDATE TO THE POMONA ZONING AND
SUBDIVISION ORDINANCES (“ZONING CODE UPDATE”).**

EXECUTIVE SUMMARY:

After 26 discussions with Staff over 36 months, the Planning Commission unanimously recommended approval of the new Pomona Zoning and Subdivision Ordinances (“New Code”) at a public hearing on the matter on May 22, 2024 (7-0-0-0). The New Code successfully implements the goals and policies of the 2014 Pomona General Plan, and is consistent with the General Plan’s Certified Environmental Impact Report. It will replace the City’s existing “base” zoning code, but will not replace the majority of the City’s specific plans. Once adopted by City Council, the New Code is expected to be in effect on July 31, 2024. Staff and the Planning Commission have identified a list of active projects that would not be affected by the New Code. The New Code effort was funded through City and State dollars and is consistent with State grant objectives for permit streamlining.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

☐ When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

PUBLIC NOTICING REQUIREMENTS:

A public hearing notice was published in the Inland Valley Daily Bulletin on June 7, 2024. (Attachment 4).

PREVIOUS RELATED ACTION:

On May 22, 2024, the Planning Commission recommended approval of a comprehensive update to the Pomona Zoning and Subdivision Ordinances (CODE-021507-2023) with recommended changes as found in the Errata Sheet to the City Council (7-0-0-0) (Attachment 2).

DISCUSSION:

Overview

The New Code excludes the Downtown Pomona Specific Plan, Pomona Corridors Specific Plan, and 2016 Phillips Ranch Specific Plan Amendment for the Pomona Ranch Plaza, each of which have already implemented the 2014 Pomona General Plan. It also excludes the Phillips Ranch Specific Plan, Mountain Meadows Specific Plan, Pomona Valley Hospital Medical Center Specific Plan, and Mission 71 Business Park. The Phillips Ranch Specific Plan and Mountain Meadows Specific Plan will be updated at a future date to be incorporated into the base Zoning and Development Code, while the hospital and business park plans may be retained as is with soft updates to procedure and administration. The 1981 Kellogg Plaza Specific Plan is being eliminated and folded into this effort.

Key discussion points on the first and second drafts of the New Code centered on regulations for industrial-related properties. These key issues included non-conforming use timelines, development standards for new industrial buildings, and use permissions for industrial land uses. The final Draft incorporates changes that address many of these concerns, and reduces the overall likelihood and number of non-conforming industrial properties in the City affected by the Code by opening up Distribution-oriented permissions in the Workplace Districts, conditionally allowing manufacturing in the IX1 mixed-use module, and establishing a Microbusiness fulfillment-oriented use under 22,500 square feet in the Workplace District.

Another area of significant public comment related to urban agriculture, farming, gardening, and homesteading provisions. The final Draft incorporates changes that significantly open up the ability to homestead and establish urban farms citywide, meeting the Neighborhood Resources goals of the Pro Housing Pomona Housing Element.

The update was carried out by City Staff working with Code Studio, a consultancy with expertise in designing form-based zoning codes. Alina Barron managed the effort on behalf of the City, and Max Pastore managed on behalf of Code Studio. City Staff modeled the initial approach to this effort from the City of Los Angeles, in conversation with Erick Lopez and former Code Studio staff member Kevin Howard, both of whom advised the City on how a modular framework operates and continued to periodically consult staff currently working in the City's Zoning Integration Program (ZIP). The City's final draft departs from the City of Los Angeles insofar as it still establishes distinct zoning districts that directly tie back to Pomona General Plan land use place types. The update began in July 2021 and took approximately three years to complete. It was written collaboratively with the community, including 26 public discussions with the Planning Commission across 75 hours, 33 community meetings and pop-up events across 100 hours, and 250 hours of one-on-one stakeholder meetings and in-person site visits conducted by City Staff at over 100 locations. The effort is funded primarily by the State of California through two grants: SB2, and LEAP (Local Early Action Program).

The Existing Code

The existing Pomona Zoning Ordinance, adopted in 1949 and comprehensively updated through Ordinance No. 1466 in 1957, was built upon a Euclidean zoning framework. Euclidean zoning is the most common forms of zoning found in the United States. Euclidean zoning is characterized by the separation of land uses, classified under broad categories such as agricultural, residential, commercial, or industrial, among others. These broad categories are then formed into districts for residential, commercial, and industrial zones. Each district is then placed into a pyramid of intensity. In a Euclidean zoning framework, residential districts would typically begin with a Residential Zoning District 1 (R-1) as a base of the pyramids allowing the lowest number of housing units, working its way up to the Residential Zoning District 4 (R-4) allowing the highest

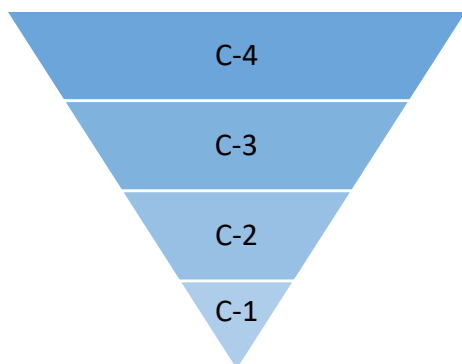


Figure 1.1 Commercial District Hierarchy

number of housing units, but always keeping the districts together under the residential district umbrella. Similarly for commercial districts, the Commercial District 1 (C-1) would be the least permissive of commercial land uses and the Commercial District 4 (C-4) would be the most permissive of commercial land uses. In most scenarios, this pyramid method refers back to the lowest tier standards with additional permissions, meaning any changes to lowest tier would effectively change every district in that category.

While the Euclidean zoning framework can be beneficial in defining land uses, it lacks the flexibility, nuance, and consideration at the neighborhood level. Over time, this type of framework becomes more difficult to revise without multiple revisions

needing to take place, which inherently makes it more difficult to tailor standards based on the unique fabric of a given area.

An example of an issue that occurs with land uses, is if the community found that in the C-1 zone that the land use “auto repair” is incompatible due to intensity, revising the code to prohibit “auto repair” in the C-1 zone would inherently also prohibit “auto repair” in the C-2, C-3, and C-4 zones. This would require a double action to take place, the first amendment to prohibit “auto repair” in C-1 zone and a second amendment to allow “auto repair” in the C-2 zone to effectively allow them in the C-3, and C-4 zones.

The issue of lack of flexibility and nuance of the existing code additionally extends to development standards, which require even more nuance as they should be spatial analyzed by lot size, general neighborhood configurations, and consider existing conditions. An example of this issue, is if the community found that the front yard setback was too large for a specific neighborhood, it would require a change to all of the C-1 zones citywide, and subsequently all C-2, C-3, and C-4 zones as well, regardless of spatial analysis or existing conditions.

The New Code

The New Code (Attachment 2) will remove the outdated post-World War II Zoning Code framework which implements a Euclidean framework and replace it with a modular framework. This modular framework contains development standards with contextually appropriate best practices, replaces arbitrary and difficult standards with measurable standards, and introduces graphics and user-friendly navigation.

The New Code successfully implements the goals and policies of the 2014 Pomona General Plan by achieving the following objectives:

- a. Replaces Euclidean zoning with a modular zoning framework that implements General Plan place types and land use goals and policies through Zoning Districts, each with Form, Frontage, and Use modules, and Site standards.
- b. Establishes objective design standards consistent with State law.
- c. Improves legal and procedural use of the code in a refined Administration chapter.

Furthermore, the New Code meets the grant objectives set by the California Department of Housing and Community Development in its SB 2 and LEAP Programs for permit streamlining to accelerate housing production.

Below is a summary of the key objectives achieved by the New Code.

(A) Replacing Euclidean with a Modular Framework

The New Code is built on a modular zoning framework that enables the City to meaningfully implement the form-based policies of the land use and community design chapters of the Pomona General Plan. This framework creates distinct modules of development standards with each district directly aligning with the designated Place Types identified in the General Plan creating a total of 8 district types and 32 variations with “Open Space” aligning with “Parkland Districts”.

Fig.1.2. General Plan Place Types












Place Types	
	Activity Center
	Transit Oriented District: Core
	Transit Oriented District: Neighborhood
	Urban Neighborhood
	Neighborhood Edge
	Residential Neighborhood
	Workplace District Edge
	Workplace District
	Open Space
	Special Campus
	Fairplex

Fig. 1.3. Zoning & Development Code District Types

PART 2.

SUMMARY OF ZONING DISTRICTS

RESIDENTIAL NEIGHBORHOOD DISTRICTS (RND)

- RND1 Residential Neighborhood District 1
- RND2 Residential Neighborhood District 2
- RND3 Residential Neighborhood District 3
- RND4 Residential Neighborhood District 4
- RND5 Residential Neighborhood District 5

NEIGHBORHOOD EDGE DISTRICTS (NED)

- NED1 Neighborhood Edge District 1
- NED2 Neighborhood Edge District 2
- NED3 Neighborhood Edge District 3
- NED4 Neighborhood Edge District 4
- NED5 Neighborhood Edge District 5

URBAN NEIGHBORHOOD DISTRICTS (UND)

- UND1 Urban Neighborhood District 1
- UND2 Urban Neighborhood District 2
- UND3 Urban Neighborhood District 3

ACTIVITY CENTER DISTRICTS (ACD)

- ACD1 Activity Center District 1
- ACD2 Activity Center District 2
- ACD3 Activity Center District 3

TRANSIT ORIENTED DISTRICTS (TOD)

- TOD1 Transit Oriented District 1
- TOD2 Transit Oriented District 2
- TOD3 Transit Oriented District 3
- TOD4 Transit Oriented District 4
- TOD5 Transit Oriented District 5
- TOD6 Transit Oriented District 6

WORKPLACE DISTRICTS (WD)

- WD1 Workplace District 1
- WD2 Workplace District 2
- WD3 Workplace District 3
- WD4 Workplace District 4
- WD5 Workplace District 5

SPECIAL CAMPUS DISTRICTS (SCD)

- SCD1 Special Campus District 1
- SCD2 Special Campus District 2
- SCD3 Special Campus District 3

PARKLAND DISTRICTS (PLD)

- PLD1 Parkland District 1
- PLD2 Parkland District 2

The Place Types listed in the General Plan contain descriptions, goals, and policies with specific form, frontage, site, and land use considerations. A zoning district includes a form module, frontage module, and use module. Modules are combined into zoning district bracket sets to implement Pomona's General Plan. Additional modules in a second bracket set may be included where applicable to identify historic designations and overlay districts.

Fig.1.4. Zoning District Brackets

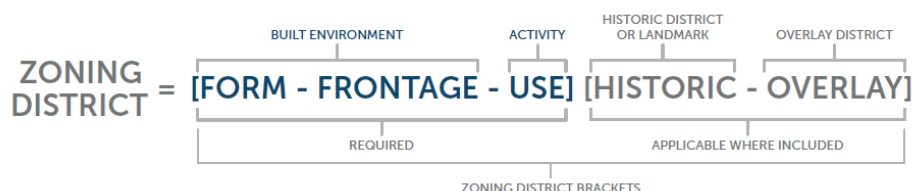


Fig.1.5. Street-Facing Façade Standards (Shopfront)

2. STREET-FACING FACADE



	Primary Street	Side Street
TRANSPARENCY	Sec. 4100.	
A Ground story transparency	60%	40%
F Upper story transparency	30%	30%
G Active wall spacing (max)	15'	15'
ENTRANCES	Sec. 4110.	
H Street-facing entrance	Required	Required
I Entrance spacing (max)	50'	75'
Required Entry feature	Required	No
Options	<ul style="list-style-type: none"> • Recessed Entry • Covered Entry • Storefront Bay • Market Stall 	
GROUND STORY	Sec. 4120.	
J Ground story-height		
Residential (min)	16'	16'
Non-residential (min)	16'	16'
K Ground-story elevation		
Residential (min/max)	0'/2'	0'/2'
Non-residential (min/max)	0'/2'	0'/2'

variety of contexts such as transit-oriented centers, special campuses, suburban neighborhoods, and open spaces.

This framework is not dissimilar to Euclidean in that it still regulates land use, but is more advanced and flexible as a tool, as it enables targeted regulation of individual variables as appropriate to fit the growing needs of the community. While the Form and Frontage modules of the New Code both contain new design standards that are not a part of the original framework, both modules have distinct intents and set different standards to aid in implementing the General Plan.

The Form modules establish standards for building height, width, and depth, outdoor amenity space, coverage, and lot size to regulate the scale and intensity of new buildings citywide, as called for in each of the Place Types and Transects of the General Plan.

The Frontage modules establish new design standards for parking location, vehicular access, build-to areas, frontage landscaping, inactive wall treatments, building entrance orientation, and

The Zoning District core is made up of three modules which regulate the following:

1. [FORM]

Form regulates the placement, scale, and intensity of buildings and structures on a lot. Form modules ensure that building forms are compatible with their context and promote projects that support the General Plan and community needs.

2. [FRONTAGE]

Frontage regulates portions of a lot and building facades that impact the public realm. Frontage modules ensure that projects respond to the public realm appropriately. Modules range from flexible standards for open space frontages with limited buildings to more robust standards for shopfront frontages where buildings need to support an active and high-quality public realm with strong associations with uses inside buildings.

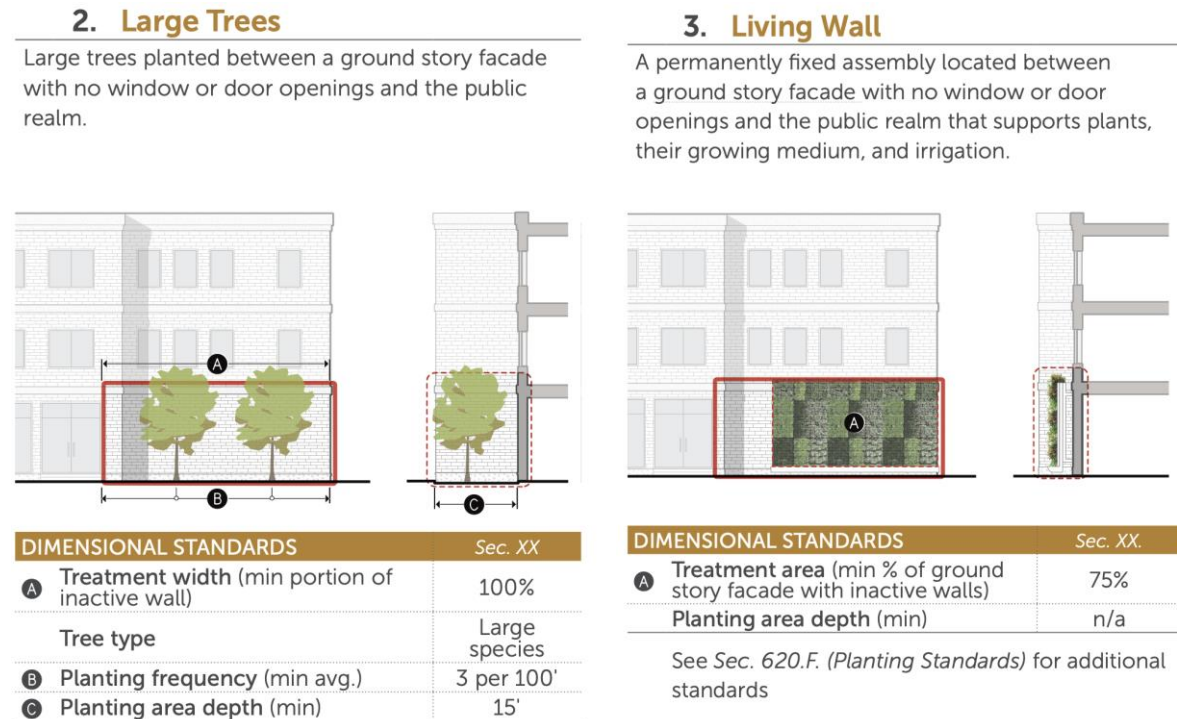
3. [USE]

Use regulates use standards and use definitions which regulate activities on a lot and mitigate potential impacts within and surrounding a property as a result of those activities.

In addition to these three modules, the Site chapter of the New Code will regulate site design, including the location and characteristics of access, parking, landscape, and other site features. Site consists of a combination of regulations that are appropriate to a

transparency which requires projects to support a high-quality public realm that is active, comfortable, safe, and visually interesting, with strong connections between the public realm and uses inside buildings.

Fig. 1.6. Inactive Wall Treatment Types



The land use and community design chapters of the General Plan place a high priority on building form and place focus on design that supports public activity and strengthens safety. The reiterated goals and policies in the General Plan promote the efficient use of land that encourages walking, bicycling, and transit use across all place types. To accomplish this, the General Plan discusses moving away from “exclusively auto-oriented shopping and toward open-air, amenity-driven formats that have both daytime and nighttime activity and are clustered at major crossroads”. Additionally, the community design chapter emphasizes the creation of more walkable and accessible street environments and strives to improve pedestrian safety.

To implement the vision set by the General Plan, the New Code eliminates the establishment of new auto-oriented uses, such as gas stations, drive-through establishments, car washes, and auto sales. It also eliminates the newly defined industrial land uses of Product Transportation, and Product Fulfillment greater than 22,500 square feet, both of which are subcategorized under Fulfillment-Oriented Uses.

To further aid in the implementation of the walkability goals of the General Plan, the New Code establishes for the first time "Accessory Commercial Units" or “ACUs” in residential neighborhoods. This will enable residents in the City's residential districts to convert existing, legally permitted vehicular garages into home-based businesses for Personal Services, such as a barber shop, salon, gym, or portrait studio. The goal of the ACUs is to remove financial barriers

for small business ownership while promoting the creation of walkable amenities in residential neighborhoods at a small scale.

(B) Establishing Objective Design Standards Consistent with State Law

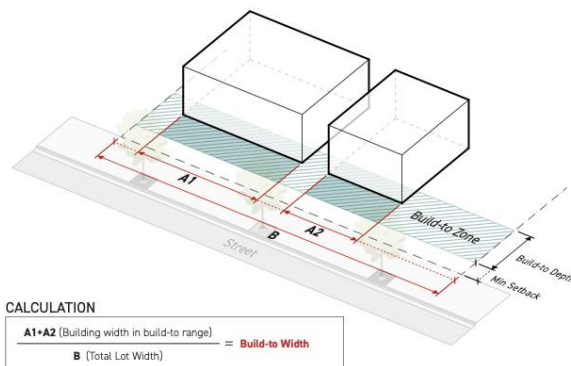
The New Code approaches definitions to address State law concerns. The State of California now requires objective design standards for all housing projects. This means that beyond the traditional general terminology, all design standards are required to have objective definitions in order to be applicable to a housing project. With over 80% of Pomona permitting housing, creating objective design standards is crucial in assuring the implementation of the General Plan.

California Government Code, Section 65913.4 defines objective design standards as *“a design standard that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”*

Fig.1.7. Build-to-Zone Rules, Measurement

Measurement

The build-to width is a percentage measured as the sum of the widths of all portions of buildings occupying the build-to zone divided by the total lot width.



The New Code includes design standards that quantifiable and contains definitions for how these standards are measured in the “Rules” section of each module and include diagrams.

(C) Improving the Administration of the Code

The Administration chapter of the code defines the procedures for various approvals under the New Code and defines nonconformities. Additionally, it provides relief exceptions from specific requirements for existing lots, buildings and structures, and uses that conformed to the zoning regulations, if any, at the time they were lawfully established, but do not conform to current district standards or use permissions.

The nonconformities section of Administration outlines the discontinuance of nonconforming uses and the process by which a nonconforming use would lose its nonconforming status if said use has been determined to have been discontinued and deemed abandoned.

City Staff faces current challenges in administering the 2014 Pomona Corridors Specific Plan, because it is a form-based code with limited legal language on procedure, interpretation, and administration. The New Code improves upon this by explicitly writing administration language that provides legal procedure on addressing issues that may arise regarding newer concepts such as Form and Frontage.

Engaging the Public on the New Code

(A) Summary of Public Engagement Efforts

Between July 2021 and May 2024, City Staff held 26 public discussions with the Planning Commission across 75 hours, 33 community meetings and pop-up events across 100 hours, and 250 hours of one-on-one stakeholder meetings and in-person site visits conducted by City Staff at over 100 locations.

For the New Code, the Planning Division conducted community engagement with the approach of “meeting community members where they are,” by testing different approaches to outreach and using different platforms for sharing information with the general public in English and Spanish.

The Planning Division has consistently been conducting community outreach regarding the New Code since November 2021. Staff utilized the traditional approach of a standing community meetings but also deployed a more robust strategy of “pop-up” events. These pop-up events were intended to bridge the gap between local government and community members who may not be able to participate in community meetings. The goal of the pop-up events was to gather community input from a variety of census tracts and community events to diversify the input Staff received as well gain feedback from the community on the renderings before drafting district standards.

On April 13, 2022, Staff presented information to the Planning Commission on Modular Zoning Districts, including the Draft Zoning Map and three-dimensional modeling. The purpose of the information presented was to facilitate a discussion on the draft zoning map and potential zoning districts.

Following the information presented on April 13, 2022, the Planning Division held 27 pop-up events between April 26, 2022 and May 19, 2022, displaying the prepared three-dimensional renderings visualizing potential metrics and the goals and policies of the General Plan, at various locations throughout the City.

On June 22, 2022, the summary of findings on community engagement were presented to the Planning Commission.

Through this series of meetings and community engagement the three-dimensional modeling accomplished the following:

- Tested the viability of the goals and policies of each place type.
- Tested the viability of potential zoning metrics on individual parcels.
- Visually demonstrated potential zoning metrics.
- Allowed community feedback from a variety of census tracts for diversified input.

Between August 24, 2022 and July 26, 2023, the Planning Commission held a series of nine public discussions on the New Code, including topics such as vehicle parking, frontage and form modules, General Plan amendments, cumulative land use impacts, and draft land use categories.

On July 27, 2023, the City released the first public draft of the New Code. Between August 1 and August 19, the Planning Division held four community meetings around the first draft, on Small Business, Residential, Design, and Land Use provisions in the New Code. The Planning commission also held a three-part discussion on the draft between July 26 and August 23, 2023.

In response to public concern about industrial standards, the Planning Division released a Workplace District survey from September 1 to October 1, 2023, targeting properties in the Workplace District land use designation in the General Plan. The purpose of the survey was to understand the operational realities and needs of the Pomona industrial community. Staff extended the survey to October 20 based on public requests.

Between October 25 and November 8, the Planning Commission held a two-part discussion summarizing the outcomes of the New Code outreach efforts conducted between July and October 2023. Based on these discussions, City Staff extended the expected adoption date of the New Code from October-December 2023 to Spring 2024 to allow for additional site visits, one-on-one stakeholder meetings, and research.

Between January 24 and March 27, 2024, the Planning Commission held four public discussions on recommended changes to the first draft and a review of administration provisions.

On April 10, 2024, the Planning Commission held a public discussion previewing the second draft of the New Code. City Staff released this draft on April 11, 2024.

On April 24, 2024, the Planning Commission held a public discussion to review comments provided on the second draft, and on May 8, 2024, held another public discussion to formally review every formal public comment letter submitted to date regarding the New Code.

(B) Summary of Notable Public Comment on the New Code

The majority of public concern over the first and second drafts of the New Code centered on regulations for industrial-related properties. These concerns included non-conforming use timelines, development standards for new industrial buildings, and use permissions for industrial land uses. The final Draft incorporates changes that address many of these concerns, and reduces the overall likelihood and number of non-conforming industrial properties in the City affected by the Code by opening up Distribution-oriented permissions in the Workplace Districts, conditionally allowing manufacturing in the IX1 mixed-use module, and establishing a Microbusiness fulfillment-oriented use under 22,500 square feet in the Workplace District.

City Staff has received formal public comment letters in the following categories:

1. **Lobbying:** This represents letters from National Association of Office and Industrial Parks (NAIOP) and a series of form e-mails received via Pomona Thrives, a lobbying campaign launched by NAIOP and other unknown entities on June 4, 2024, after the Planning Commission approval of the code.
2. **Pomona-Based Organizations/Stakeholders:** This represents letters from Pomona-based non-profit organizations and other local stakeholders.
3. **Property Representatives:** This represents letters from representatives of individual properties citywide.

Staff has reviewed all comment letters and provided a tabular summary for each comment along with a Staff response to how the final draft of the New Code addresses the concern.

Number	Type	Comment	Staff Response	Concession
1	Lobbying	Additional time and engagement.	Staff extended engagement by an additional nine months.	Yes
2	Lobbying	Dock door ratios are too limiting.	Staff amended the draft to reflect the requested 1/7,500 sf ratio.	Yes
3	Lobbying	Fulfillment is widely banned.	Staff amended the draft to enable microbusiness, which includes fulfillment, up to 22,500 square feet.	Yes
4	Lobbying	Distribution over 22,500 square feet is prohibited.	Staff amended the draft to permit Distribution regardless of size.	Yes
5	Lobbying	No large and beverage manufacturing permitted.	Staff proposed no change.	No
6	Lobbying	20% outdoor amenity for industrial is too high.	Staff amended the draft to remove 20% and instead regulate by break rooms.	Yes
7	Lobbying	Frontage requirements are arbitrary.	Staff proposed no change.	No
8	Lobbying	Building widths and depths are too limiting.	Staff proposed no change.	No
9	Lobbying	There is widespread non-conformity of uses in the Draft.	Draft amended to significantly reduce the number of properties at risk of non-conforming uses.	Yes
10	Lobbying	Allow for a CUP requirement for buildings exceeding 22,500 square feet.	Staff proposed no change.	No
11	Lobbying	Allow incentives for LEED Gold buildings.	Staff amended the draft to incentivize LEED Gold building by offering size exceptions.	Yes
12	Lobbying	Update the General Plan	Staff already intends to update the General Plan.	No

13	Lobbying	Expand non-conformity timeline by allowing CUP for nonconforming uses	Staff proposed no change.	No
14	Lobbying	Adopt Good Neighbor Policies for industrial.	Staff reviewed such policies, may are not enforceable or do not substantially do much. Staff proposed no change.	No
15	Lobbying	Require CUP for Distribution	Staff amended draft to allow by-right.	Yes
16	Lobbying	Remove outdoor storage limitations.	Staff amended draft to enable accessory outdoor storage.	Yes
17	Lobbying	Permit EV type uses	Already permitted.	No
18	Local Group	Prohibit trucking facilities, waste/recycling/pallet facilities, auto repair, drive throughs, car washes, gas stations, outdoor storage (except limited accessory outdoor storage), fulfillment, distribution over 22,500 square feet	Staff amended the draft to enable microbusiness, which does include fulfillment, and distribution at any square footage, while prohibiting all of the other uses referenced.	No
19	Local Group	Limit building size to 150 feet by 150 feet for industrial	Staff amended the draft to reflect 150 feet by 150 feet for the form module most commonly used in the Workplace districts.	Yes
20	Local Group	Keep six-month non-conforming timeline	Staff proposed no change.	No
21	Local Group	Complete Environmental Justice element by January 2025.	Staff is currently working on this effort.	No
22	Local Group	Various urban agricultural recommendations from urban farmers	Staff amended the draft to incorporate said changes.	Yes
23	Local Group	No carve outs for certain industrial areas	None proposed.	No
24	Property Representative	Veterans Park/Mission-71 concerns	Staff proposed no change.	No
25	Property Representative	Rexford: Small, medium, and large distribution; CUP for I1 and I2; medium distribution CUP for I1, I2, and I3, large CUP for I3	Staff amended the draft to permit Distribution regardless of size.	Yes
26	Property Representative	Adopt Good Neighbor Policies	Staff reviewed such policies, may are not enforceable or do not substantially do much. Staff proposed no change.	No
27	Property Representative	Change non-conforming from six months	Staff proposed no change.	No
28	Property Representative	Allen Matkins, general: Widespread non conformities, inconsistent with GP, unconstitutional taking, negative impact to local jobs/businesses	Draft amended to significantly reduce the number of properties at risk of non-conforming uses.	Yes
29	Property Representative	1313 East Phillips: permit outdoor storage	Staff amended the draft to enable accessory outdoor storage.	Yes

30	Property Representative	1000 Walnut: Open up permissions South of 60 through Overlay; general takings/inconsistency with GP concerns	Staff amended the draft to permit Distribution regardless of size	Yes
31	Property Representative	110 Erie: Takings concerns, permit industrial and preserve industrial rights	Staff amended the draft to allow Production through a CUP in the IX1 use module	Yes
32	Property Representative	ProLogis: Make workable definitions for industrial; eliminate overbroad industrial prohibition; don't rely on walkability analysis; go beyond microbusiness 22,500 sf cap; clean up definition of Distribution; open up Distribution in IX; open up outdoor storage	Staff already amended the draft to enable Distribution of any size across the I1, I2, and I3 use modules and Microbusiness under 22,500 square feet.	No
33	Property Representative	Exeter: Micro-business not viable and carbon intensive; no relief for irregularly shaped lots; LM module misalignment	Variances are a path to seek relief for irregularly shaped lots.	No

Active Projects Affected by the New Code

Several ministerial and discretionary applications are currently under review and may be affected by the implementation of the New Code.

Staff, in consultation with the Planning Commission, has established a list of types of applications that will be vested against changes in the New Code. These can be found in Section 100.E Applicability (Page 1-3 of Attachment 2).

Meeting State Grant Objectives

The New Code is funded primarily through two State of California grants, both issued by the California Department of Housing and Community Development. The grants are SB2 and LEAP. The purpose of these grants is to accelerate housing production. The New Code meets the intent of these grants by establishing residential uses as a by-right use permission, removing any Conditional Use Permit requirements for residential uses. It also accelerates housing production by allowing the ministerial permitting of multiple residential units on any residential lot in the City and the establishment of objective design standards to remove judgment and subjectivity out of the review process.

ENVIRONMENTAL IMPACT:

In 2014, the City of Pomona adopted an update to its general plan entitled Pomona Tomorrow ("General Plan"). As part of the 2014 General Plan, the City of Pomona certified the environmental impact report ("EIR") for the General Plan Update, Corridors Specific Plan, Active Transportation Plan and Green Plan (State Clearinghouse No. 2012051025) ("General Plan EIR").

Several planned activities were contemplated as part of the development of the General Plan in order to implement its goals and policies, specifically, the city-wide update of the zoning and subdivision ordinances (“Zoning Code Update”) was identified as one of the planned activities.

Further, the Zoning Code Update has been prepared to be fully consistent with the General Plan and no amendments to the General Plan are being considered as part of this project. Pursuant to California Public Resources Code (PRC) Section 21166 Subsequent or Supplemental Impact Report; Conditions and California Code of Regulations (CRC) Section 15162 Subsequent EIRs and Negative Declaration, it has been determined that no subsequent EIR shall be prepared for the proposed amendment to the Zoning Code Update as none of the conditions described in CRC Section 15162 exist.

There are no substantial changes contemplated by the proposed project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There are no substantial changes because the Zoning Code Update, which is identified as a planned activity by the General Plan, includes use permissions and development standards that were designed according to the designated land use place types (Activity Centers, Neighborhood Edges, Residential Neighborhoods, Special Campuses, Transit Oriented Districts, Urban Neighborhoods, and Workplace Districts), designated density and intensity transect zones (T-3 Typical, T4-B Residential Transition, T4-B Secondary Corridors, T4-B Neighborhood Edge, T4-A, Typical, T5 Typical, T6-B Typical, T6-A Downtown Core, SD Special Districts, and SC Special Campus), as well as applicable land use policies and goals for the respective land use place types and plan components (Community Design, Conservation, Economic Development, Land Use & Density, Mobility & Access, Noise & Safety, and Open Space Network).

No changes or amendments to the General Plan are contemplated as part of the Zoning Code Update as it will implement the goals and policies of the General Plan as originally contemplated and analyzed in the General Plan EIR.

No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No substantial changes have occurred because the General Plan EIR assessed the implementation of a general plan that, by its nature, considered cumulative development anticipated with future buildout under the plan within the City’s defined plan area and to date, the City has not approved development that would conflict or deviate with the General Plan and no amendments have been adopted that conflict or deviate with the General Plan.

There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, showing that: (a) the proposed project will have one or more significant effects not discussed in the EIR; (b) there are significant effects previously examined that will be substantially more severe than shown in the EIR; (c) there are mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects

of the proposed project, but the City declines to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

All substantially pertinent environmental information and feasible mitigation measures relevant to the Zoning Code Update have been analyzed in the General Plan EIR and remain relevant to the existing environment.

Next Steps

Upon approval at first reading, the City Council will conduct a second reading, and 30 days thereafter, the New Code will become effective. Staff tentatively expects the second reading to be held on July 1, 2024, and the effective date to be July 31, 2024.

COUNCIL PRIORITIES & GOALS:

This item is consistent with the following Council priorities and goals:

GOAL G: Create Economic Strategy for City That Reflects Current Opportunities and City Values.

GOAL J: Encourage the development and maintenance of quality housing opportunities for all.

Prepared by:

Alina Barron
Associate Planner

Attachment No. 1 – Draft Ordinance

Attachment No. 2 – Exhibit A: June 17, 2024 Draft of Zoning Code with Errata Sheet

Attachment No. 3 – Exhibit B: June 17, 2024 Draft Zoning Map

Attachment No. 4 – Proof of Public Hearing Noticing

Attachment No. 5 – Staff Report & Attachments of 5/22/24 Planning Commission Public Hearing

Attachment No. 6 – New Public Comment Submitted Since 5/22/24